



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Ms. Patricia Tummons
Environment Hawaii, Inc.
72 Kapiolani Street
Hilo, HI 96720

AUG 27 2013

Re: Freedom of Information Act Request EPA-R9-2013-007789

Dear Ms. Tummons:

This is in response to your Freedom of Information Act (FOIA) request, dated June 27, 2013, for the following records:

1. Any correspondence, including email exchanges, between the EPA and the facility operated by Hana Health on this site;
2. Any information concerning a large-capacity cesspool (LCC) on this site; and
3. Any correspondence, including email exchanges, between the EPA and the State of Hawai'i Department of Health concerning a LCC on this site.

EPA has reviewed its files and found responsive documents. Enclosed you will find two compact discs (CDs) containing electronic copies of the releasable documents that are responsive to your request. However, we are unable to provide you with some of the requested records, or portions of records, which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(5), which applies to "inter-agency or intra-agency memoranda or letters consisting of predecisional advice, opinion or recommendations," and 5 U.S.C. 552 (b)(7)(A) which applies to "records or information compiled for law enforcement purposes to the extent that the production of such records or information: (A) could reasonably be expected to interfere with enforcement proceedings." A list of the records which are being withheld along with the basis for withholding is provided in the enclosure to this letter.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number: EPA-R9-2013-007789). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact Maureen Kyllonen of this office at 415-972-3314.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen H. Johnson". The signature is fluid and cursive, with the first name "Kathleen" being more prominent than the last name "Johnson".

Kathleen H. Johnson, Director
Enforcement Division

Enclosures: Two CDs of Releasable Documents
Index of Documents Withheld

Index of Documents Withheld
Freedom Of Information Act Request
EPA-R9-2013-007789

EPA Region 9 is withholding, pursuant to the Freedom of Information Act 5 U.S.C. § 552(b)(5) and (b)(7)(A), the following records that are responsive to this request:

37 emails dated May 23, 2012 through August 1, 2013, between Aaron Setran, Emmanuelle Rapicavoli, Roberto Rodriguez, and/or Arlene Kabei, of the Region 9 Enforcement Division, and Brett Moffatt and/or Gretchen Busterud, of the Region 9 Office of Regional Counsel;

2 emails dated April 16 and 29, 2013, from Aaron Setran to Arlene Kabei and Roberto Rodriguez, Region 9 Enforcement Division;

4 emails dated June 6 - July 10, 2013, between Aaron Setran and/or Emmanuelle Rapicavoli, of the Region 9 Enforcement Division, and David Albright and/or Kate Rao, of the Region 9 Office of Water;

Portions of 2 emails dated June 24, 2013, from Dean Higuchi to Aaron Setran, Brett Moffatt, and other Region 9 staff, regarding email from Kehau Yap, Office of U.S. Senator Mazie Hirono;

Region 9 facility assessment (internal notes by staff);

Meeting notice for Enforcement Division and Regional Counsel staff, July 2013.

